

## REMARKS

### INTRODUCTION

In accordance with the foregoing, claims 14, 17, 25, and 26 are amended. Claims 27-32 have been newly added. Claims 14-32 are pending and under consideration.

### REJECTIONS UNDER 35 U.S.C. § 112:

#### CLAIMS 14 – 26.

In the Office Action, at page 2, numbered paragraph 3, claims 14-26 were rejected under 35 U.S.C. §112, first paragraph for allegedly failing to comply with the written description requirement. Specifically, independent claims 14 and 17 recited the feature “means for initiating and receiving calls for a user in the **same home or office location as where said device is located.**” The Office Action alleged that the specification failed to provide support for such recitation and that the language in the new claims was new matter.

Applicant respectfully traverses the rejection. A Gateway telephone 200 according to embodiments of the invention is shown in a perspective view in Fig. 3 of the application, and is described on page 12, lines 4 - 18 of the specification. Figure 3 and the description disclose a device with interface components 230, such as a display panel 232 and a keyboard 234, plus a port 262 for connection of a personal computer and a port 272 for connection of an external PSTN telephone 170. A description of how a user of a Gateway telephone 200 may initiate a telephone call by keying in a digital address on the keypad 234 is given on page 6 of the specification, lines 15 – 20 (“the user keys in the digital address . . . on his Gateway Telephone 200' keypad.”). These parts of the written specification unambiguously place the user and the Gateway telephone in the same location, and this location would be understood by those skilled in the art to be an office or a home, where operating computers and old-fashioned telephones are likely to be found.

With respect to claims 25 and 26, in the Office Action at page 3, first full paragraph claims 25 and 26 were rejected for failing to comply with the written description requirement. The Office Action admits that the background to the invention explicitly discloses that cellular telephony (including wireless communication) is a variant of PSTN. However, the Office Action alleges that there is no support in the specification for the first port being arranged to communicate with a wireless network. Applicant disagrees with the Office Action's allegations. However, in the interest of expediency claims 25 and 26 have been amended and the Office Action's rejections are believed to have been rendered moot.

Applicant respectfully requests that the rejections under 35 U.S.C. § 112, first paragraph be withdrawn. Claims 14 and 17 have been amended to overcome the alleged lack of antecedent basis, and applicant respectfully requests that the rejections under 35 U.S.C. § 112, second paragraph also be withdrawn.

## **REJECTIONS UNDER 35 U.S.C. § 102:**

### **CLAIMS 14 – 26.**

In the Office Action, on page 4, numbered paragraph 7, claims 14 and 17 are rejected under 35 U.S.C. §102(e) as being anticipated by Chang et al (US Patent 7,280,530 B2). The reasons for the rejection are set forth in the Office Action and are not repeated here.

The rejection is respectfully traversed, and reconsideration is requested.

Similar to previously-cited Chan et al (U.S. Patent 6,711,160 B2) referred to in the Office Action of July 28, 2004, the telecommunication devices disclosed by now newly-cited Chang et al. include gateway means, but the usage of the gateway function is limited to a group of offices that know the location of a suitable gateway device and therefore can connect to it directly. When acting as a gateway from the packet based to the PSTN network, the device 126 disclosed by Chang et al assumes that the signaling and voice comes from the office where the caller 38 is located, so it extracts the destination PSTN number and connects to the called party on the PSTN. The Chang et al. reference does not describe or suggest that the voice data can come from a source other than the signaling source. It assumes that signaling and voice go together the same way as on a telephone line.

In contrast, a telecommunication device according to the invention of claim 14, receives signaling from *a server that is separate from a calling device* and handles a request to *connect a third party caller* to the called party on the PSTN. The server does not pass the voice data stream for the telephone call, and will not be connected to the PSTN. See specification page 9, line 11 through page 10, line 1.

The telecommunication network disclosed by Chang et al. is a company controlled telecommunication network based on distributed Gateway Networks 4, 6, 8 (col. 10, line 33). Each Gateway Network comprises its own database specifying which other Gateway Networks can act as gateways for hop-off to the PTSN (col. 28, lines 31 – 41). Any change in the total network, as well as new Gateway Networks added as hop-off points anywhere in the network, must be registered in each local Gateway Network. Whether done manually by a systems administrator or automatically, this is a cumbersome process when expanding the network. The

database in a Gateway Network is only available to its local users, and the signaling and voice stream go together the same way to the Gateway Network selected for hop-off to the PSTN, as it would on a telephone line.

At page 5, line 16, the Office Action refers to Items P1-6' as "gateway location servers." This is not supported by the Chang et al. reference. Items P1-6' are only portions of the enterprise directory distributed to Gateway Networks 4, 6, 8 where the gateway servers 26 are located. See Fig. 3a, which illustrates the architecture of the enterprise directory 90 of the Chang et al. reference, and col. 11, line 62 through col. 12, line 28.

In a telecommunication network according to the inventions of claim 14, 17 and new claim 27, there is instead a gateway location server, which is independent from the calling telecommunication device and can be used by *all callers*. This Gateway Location Server sends a hop-off request to the selected gateway device, while the voice stream goes another way.

The inventions of claim 14, 17 and new claim 27 describe a telecommunication network with distributed gateways that is fully scalable. This is achieved by using Gateway Location Servers 300, which are separate from the Gateway Telecommunication Devices 200 ("Gateway Telephones"), and which are reachable with the aid of standard Address Lookup Servers on the Internet. The Gateway Location Servers 300 do not depend on input from any system administrator, but receive input directly from the Gateway Telephones 200 on the Network. The interaction between the Gateway Telephones 200 and the Gateway location servers 300 according to the invention is described in detail in the written specification. See Fig. 1 and page 7, line 17 through page 10, line 11, and page 11, lines 11 – 22.

Each telecommunication device 200 with a built in gateway function will register with a gateway location 300 server when it elects to be part of the distributed gateway system for third party callers. Each registered telecommunication device may also have means for automatically notifying the gateway location server when its PSTN connection is Off Hook, so it is temporarily unavailable to connect calls to the PSTN.

When any third party caller (200') on the packet based network requests a connection to a telephone (170) on the PSTN, its request is sent to a gateway location server (300''), which selects a suitable registered gateway device (200''') to serve as a gateway, and then requests from the selected gateway device (200''') that the third party caller (200') be connected to the called party (170) at the PSTN. The gateway location server can also keep track of charges incurred by the third party caller, and reimbursement due the selected gateway device. The gateway location server is not connected to the PSTN, so it is not a gateway, and it does not

pass the voice data stream for the telephone call. It is only a facilitator in the telecommunication system according to the invention.

The inventions of claim 14, 17 and new claim 27 describe a *fully scalable distributed gateway system* that can replace the multi-line network gateways that are present in a conventional gateway system.

The invention of independent claim 14 distinguishes the invention clearly from the references cited by the Office Action of December 17, 2008, as well as from references cited in previous Office Actions. Independent claim 17 and new independent claim 27 recite similar features for the gateway devices as claim 14 and similarly are patentably distinguishable over the applied references. Remaining claims 15, 16, 18 – 26, and 28 – 32 depend directly or indirectly from claims 14, 17, or 27 and will accordingly be allowable when independent claims 14, 17 and 27 are allowed. If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious. MPEP § 2143.03; In re Fine, 5 USPQ2d 1596 (Fed. Cir. 1988).

#### **CONCLUSION:**

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. And further, that all pending claims are patentably distinguished over the applied references. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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